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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)
Implementation of Section 25) MM Docket No. 93-25
of the Cable Television Consumer)
Protection and Competition Act)
of 1992)
)
Direct Broadcast Satellite)
Public Service Obligations)

FURTHER COMMENTS OF PRIMESTAR PARTNERS L.P.

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FURTHER COMMENTS OF PRIMESTAR PARTNERS L.P.

PRIMESTAR Partners L.P. ("PRIMESTAR"), by its attorneys, hereby submits its comments in response to the Public Notice ("Notice") released in the above-captioned proceeding on January 31, 1997.¹ The Commission's Notice seeks to update the record concerning the Commission's proposals to implement Section 25 of the Cable Consumer Protection and Competition Act of 1992 ("1992 Cable Act"), as set forth in the 1993 Notice of Proposed Rulemaking in this proceeding.² PRIMESTAR concurs with the Commission's opinion that the DBS industry has grown and changed dramatically over the last four years, warranting new and revised input on each of the issues raised in the DBS Public Interest NPRM.

¹ FCC 97-24, released January 31, 1997.

² 8 FCC Rcd 1589 (1993) ("DBS Public Interest NPRM").

I. BACKGROUND

Section 25 of the 1992 Cable Act added a new Section 335 to the Communications Act, imposing "public interest or other requirements for providing video programming" on providers of direct broadcast satellite ("DBS") programming. Basically, the statute is broken down into two parts which impose separate requirements on DBS providers.

Section 25(a) directs the Commission to tailor certain political programming requirements applicable to broadcasters to DBS providers. Specifically, the statute requires that the Commission "apply the access to broadcast time requirement of Section 312(a)(7) and the use of facilities requirements of Section 315 to providers of direct broadcast satellite service providing video programming."

Section 25(b) directs the Commission to implement rules requiring DBS providers to "reserve a portion of [their] channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for public interest programming of an educational or informational nature." This channel capacity must be made available to "national educational programming suppliers, upon reasonable prices, terms and conditions."

II. STATEMENT OF INTEREST AND SUMMARY

A. Statement of Interest

PRIMESTAR currently provides direct-to-home ("DTH") satellite television services to its customers via the

24 Ku-band transponder equipped GE-2 medium power fixed satellite. In general, in the delivery of PRIMESTAR's DTH service, the number of transponders available are configured with digital compression equipment to yield a certain number of "circuits" or "pipes", which, in effect, determine the capacity of the DBS system. The circuits on the GE-2 satellite are ultimately utilized by PRIMESTAR for the delivery of a greater number of "channels" to consumers, consisting of: (a) full motion video entertainment and information services and (b) graphic and/or audio information (e.g., audio services, weather information slides, program guides, promotional materials, et al.) (collectively "programming screens"). PRIMESTAR currently delivers 150 programming screens (and will shortly add ten others) to its 1.8 million subscribers. Even though "channels" or programming screens delivered to the public are greater in number than video circuits on the satellite system, it is the circuits on the satellite which are devoted to non-duplicative full motion video services to subscribers which define the system's capacity for purposes of Section 25.

B. Summary

As described more fully below, PRIMESTAR concurs with the Commission's suggestion that the rules applying the public interest requirements imposed by Section 25(a) (i.e., reasonable access, equal opportunities, lowest unit charge) to DBS providers be based on the broadcast model, with certain modifications to accommodate characteristics unique to DBS.

Because DBS providers are multichannel program providers similar to cable operators, the Commission should apply the Section 25(a) obligations in a manner comparable to application of those obligations to cable systems. Moreover, because DBS is a national service, the Commission should apply to DBS the "reasonable access" provisions for federal candidates only with respect to candidates for national office.

With respect to the Section 25(b) requirements, PRIMESTAR supports the adoption of the industry proposal advanced by the Satellite Broadcasting and Communications Association ("SBCA") in its Further Comments filed today in response to the Commission's *Notice*. Specifically, with respect to the channel set-aside requirements, PRIMESTAR submits that the Commission should require DBS providers to reserve no less than and no more than 4% of their capacity for "noncommercial programming of an educational and informational nature" (hereinafter referred to as "public interest programming"). This set-aside percentage should be calculated on the basis of "circuits" allocated by a DBS provider on its satellite system to deliver non-duplicative full-motion video information and entertainment services to its subscribers. Moreover, to the extent DBS providers have committed to carry public interest programming on non-reserved circuits (e.g. circuits used for C-SPAN and PBS programming), these circuits should count toward the set-aside requirement.

As proposed by the SBCA, PRIMESTAR supports the creation of and funding by the DBS industry of a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code. This non-profit corporation would establish criteria for defining public interest programming, screen programming to determine if it meets those criteria, promote the public interest programming available through DBS services, and act as a liaison between the DBS industry and those programmers or groups wishing to use DBS facilities to distribute public interest programming.

Although Section 25(b) specifies that DBS providers should meet the requirements for public interest programming by "making channel capacity available to national educational programming suppliers, upon reasonable prices, terms, and conditions," the Commission should affirm that this is but one way in which DBS providers may fulfill their obligations. DBS providers also should be afforded the flexibility to produce or to procure on their own behalf public interest programming. The DBS providers should be permitted to acquire public interest programming that has been so designated by the non-profit corporation or to acquire or produce such programming without channeling such programming through the non-profit corporation, provided that the programming satisfies the criteria established by the non-profit corporation.

In establishing reasonable prices for capacity leased to national educational programming suppliers (hereinafter referred to as "educational programmers"), Section 25(b)(4)(B)

of the 1992 Cable Act specifies that such prices shall not exceed "50 percent of the total direct costs of making such channel available." With respect to the definition of direct costs, PRIMESTAR urges the Commission to interpret the statute in the broadest manner possible. Because direct costs vary widely among DBS providers, the Commission should not seek to impose any uniform tariff requirements. Moreover, the Commission's rules should make clear that Section 25(b)(4)(B) applies only to those circumstances under which an educational programmer leases reserved capacity from a DBS provider.

Finally, PRIMESTAR believes that a transition period for phase-in of the DBS public interest obligations is reasonable and necessary to allow for creation of the non-profit corporation, establishment of programming criteria, renegotiation of certain program contracts, and to enable DBS providers to make necessary service adjustments and to inform their subscribers.

III. PUBLIC INTEREST REQUIREMENTS UNDER SECTION 25(a)

As explained above, Section 25(a) requires the Commission to apply the reasonable access provisions of Section 312(a)(7) of the Communications Act, and the equal opportunities requirements of Section 315 of the Communications Act, to DBS providers. The Commission has proposed to apply its existing broadcast rules implementing these requirements to DBS providers, with modifications as appropriate to "account for

differences between multichannel DBS systems and traditional broadcast stations."³

PRIMESTAR concurs that the existing political broadcasting rules provide a logical starting point from which to craft rules applying Sections 312(a) and 315 to DBS. As described below, however, PRIMESTAR believes that the rules must be tailored in certain respects to account for characteristics particular to the DBS service.⁴

As a general matter, the Commission's political programming rules for DBS should permit DBS providers significant flexibility in meeting their obligations. Such flexibility would permit the DBS service to develop in a manner more responsive to consumers' wishes. Thus, DBS providers should be free to organize their political programming in a way that they reasonably believe will be most attractive to viewers, while remaining consistent with the basic requirements of Sections 312(a)(7) and 315 of the Communications Act.

A. Reasonable Access

Section 312(a)(7) of the Communications Act and Section 73.1944 of the Commission's rules require broadcast stations

³ DBS Public Interest NPRM at ¶ 21.

⁴ To the extent that a DBS service provider carries the programming of a terrestrial broadcast television station, it should be the responsibility of the terrestrial broadcast station, not the DBS provider, to ensure compliance with the political broadcasting requirements of Sections 312(a)(7) and 315 on that channel, because the television station already is under an obligation to do so.

to afford reasonable access for federal candidates to their facilities, or to permit federal candidates to purchase "reasonable amounts of time." The Commission typically defers to the good faith judgments of broadcasters to provide this reasonable access and to evaluate compliance on a case-by-case basis.

Section 312(a)(7)'s requirement is, by its terms, limited to reasonable access for *federal* candidates. Given the inherently national scope of the DBS service, however, PRIMESTAR submits that the rule as applied to DBS providers should be limited further. Because DBS providers serve the entire continental United States, the Commission should require that only the candidates for national office (i.e., Presidential and Vice Presidential candidates) be afforded a right of access. To require a DBS provider to grant access to every federal candidate potentially could overburden the DBS provider's capacity. Moreover, it is highly unlikely that federal candidates other than Presidential and Vice Presidential would have a serious interest in obtaining nationwide access to voters on such a dispersed basis. Limiting access on DBS systems to Presidential and Vice Presidential candidates, therefore, should have little effect on other federal candidates' ability to reach their respective voters.⁵

⁵ To a large degree, access to DBS systems, with their national coverage, would be of limited use to non-national federal candidates. A congressional candidate
Continued on following page

PRIMESTAR believes that DBS providers should be given the same latitude as broadcasters and cable operators in determining what constitutes "reasonable access." Moreover, since broadcasters and cable operators under the reasonable access rules are not required to guarantee candidates access to particular time periods, program channels or audiences, equity dictates that DBS providers be treated in a similar fashion, and access be limited to the DBS provider's system as a whole. In offering reasonable access, DBS providers should have the discretion to designate one or more discrete channels that will be used to fulfill the reasonable access requests of national federal political candidates, or to provide reasonable access on numerous channels throughout the DBS system.

B. Equal Opportunities

Section 315(a) provides that if a broadcast licensee permits any legally qualified candidate to "use" its station, the licensee must afford equal opportunity to all other candidates for that office in the use of the station. Unlike broadcasters, however, DBS providers operate multichannel video delivery systems, and thus are more akin to cable system operators than to broadcasters. With respect to candidate equal opportunities obligations, therefore, PRIMESTAR urges

Continued from previous page

in a small congressional district most likely would find it extremely inefficient to purchase time on a national service.

the Commission to implement rules which reflect the Commission's interpretation of Section 315(a) as applied to cable systems.

Cable operators are not required to carry political advertising on every channel. Subscription or premium program services on cable, which are advertiser free, are exempt from use for political advertising. Moreover, the Commission has never required cable systems to air opposing candidates' advertisements on the same channels or to take into consideration the demographics of audiences for the channels.

PRIMESTAR submits that the same approach should be followed in applying the equal opportunities requirements of Section 315(a) to DBS providers. Premium services carried on DBS systems obviously should not be subject to use as vehicles for political advertising. Moreover, some of the advertiser-supported services carried by PRIMESTAR and presumably other DBS providers do not afford PRIMESTAR any advertising "availabilities" that PRIMESTAR could provide to political candidates or any other sponsors. The advertiser-supported program services carried on DBS that do permit the DBS operators to insert commercials, and other capacity on DBS systems under the control of the DBS providers, are adequate to accommodate candidate advertising. The Commission should leave the precise channel selection to the discretion of the DBS provider, provided that audience size and day-part can reasonably be maintained among opposing candidates.

C. Lowest Unit Charge

Section 315(b) governs the rates that may be charged a legally qualified candidate for "use" of a station. PRIMESTAR submits that the same lowest unit charge rules that apply to broadcasting and cablecasting should be applied to DBS.

D. Other Public Interest Requirements

In the 1993 DBS Public Interest NPRM, the Commission appropriately concluded that no public service requirements other than those specifically required by Section 25(a) (i.e., reasonable access and equal opportunities), plus the obligations required by Section 25(b) (discussed below), should be imposed on DBS providers given the nascency of the service. The DBS service remains in the early stages of development; any additional public service requirements would prove onerous.

Moreover, without regulation, and in the interest of public service, DBS providers already are involved in a variety of public service undertakings on a voluntary basis. For example, the SBCA and its members, including PRIMESTAR, have initiated a program to provide free DBS installations and service to "Ronald McDonald" houses throughout the country. These houses provide shelter and support to families of seriously ill and hospitalized children. PRIMESTAR is involved in many charitable activities of its own on both the national and local levels. PRIMESTAR has an ongoing relationship with the American Red Cross, in which PRIMESTAR provided significant monetary and other non-financial support to the

national organization. PRIMESTAR participates in Red Cross awareness campaigns on the local and national levels.

PRIMESTAR also has launched "PRIMESTAR Goes to School," a nationwide program which provides schools that are unwired for cable with up to 19 channels of educational programming (including PBS and C-SPAN) at no cost. Recently, PRIMESTAR awarded a grant to PBS which makes PRIMESTAR an underwriter of "The Ready To Learn" service. Other DBS service providers likewise have made extensive public service commitments. Given the voluntary commitment of DBS providers to community service, PRIMESTAR believes no further public service regulations are necessary.

IV. CARRIAGE OBLIGATIONS FOR NONCOMMERCIAL EDUCATIONAL OR INFORMATIONAL PROGRAMMING UNDER SECTION 25(b)

Section 25(b)(1) of the 1992 Cable Act requires DBS providers to reserve 4-7% of their total channel capacity for public interest programming. The statute further states that DBS providers "shall meet the requirements of this subsection by making channel capacity available to national educational programming suppliers" upon reasonable prices, terms, and conditions.

PRIMESTAR firmly believes that the Commission should adopt a regulatory approach that affords DBS providers the discretion and flexibility to choose from the widest possible pool of public interest programming in meeting their service obligations. The proposal submitted concurrently by the SBCA fulfills these objectives. The goal of the statute is, and

the Commission's goal should be, to maximize the amount of high quality public interest programming available to DBS subscribers. The rules ultimately adopted by the Commission, therefore, should encourage DBS providers to acquire, produce, promote and package public interest programming in a fashion that will increase its appeal and distribution to a broad spectrum of DBS providers' viewership.

A. Amount of Capacity To Be Reserved

PRIMESTAR submits that the Commission should adopt 4% as the amount of capacity that DBS providers are required to reserve for public interest programming. While 4% is the minimum capacity obligation designated by the statute, PRIMESTAR believes that imposing the minimum requirement is sound policy given that it is as yet unknown how the new public service obligations will affect the economics and future development of the DBS service. As further justification for the 4% maximum, and as detailed in the Further Comments of the SBCA, industry members are willing to commit to dedicate the full 4% of the reserved capacity from the onset of their obligations.

B. Definition of Channel and Calculation of Channel Capacity

Although Congress has directed DBS providers to reserve a certain portion of their "channel capacity" for public interest programming, the statute is silent as to the definition of "channel" and how such channel capacity should be measured.

In the DBS context, the term "channel" can be confusing. As explained above, PRIMESTAR uses the Ku-band transponders on the GE-2 satellite. Through the use of digital compression technology, those transponders are utilized in a way to create multiple "circuits" on the satellite, some of which are capable of carrying full motion video programming, and some of which are designed to carry audio and text information. Every service (audio, video or text) that a PRIMESTAR customer receives is displayed on a "programming screen" through the customer's integrated receiver decoder. Thus, although today a PRIMESTAR customer who receives all of PRIMESTAR's services has a range of more than 150 programming screens, many of those screens consist of audio services, weather text services, program guides and similar services that do not contain full motion video.

Section 25(b)(1) of the statute applies the channel set-aside requirements to DBS providers "providing video programming." In view of the emphasis of this language on "video programming," and in order to avoid confusion and develop a common denominator for all DBS providers, PRIMESTAR submits that for purposes of applying the percentage set-aside requirement, the Commission should look to the number of circuits on a DBS provider's satellite system that are devoted

to providing non-duplicative full motion video program services to subscribers.⁶

Under this proposal certain circuits on a DBS provider's satellite system would be excluded from the basis on which the set-aside requirement is calculated. For example, circuits used to provide information concerning operation of the DBS service, barker channels, audio-only channels, channels containing stationary video (i.e., slides), duplicative video services such as those which provide foreign language sound tracks or such other accommodations for consumer convenience, program or channel guides, and circuits utilized for business communications would be excluded.

The assessment of full motion video circuit capacity for purposes of the set-aside requirements should be made annually on a date certain.⁷ Once the full motion video circuit base had been determined, in order to avoid the set-aside of partial full motion video circuits, the number of circuits to

⁶ PRIMESTAR concurs with the SBCA's position that the Commission not speculate as to or include in set-aside calculations proposed future uses of DBS systems.

⁷ The number of circuits used for full motion video services to subscribers may vary dynamically throughout the year as compression ratios change, or the programming mix on the satellite system changes. Thus, the Commission should build into the rules sufficient flexibility in the calculations to account for these rational variances.

be set-aside should be calculated using the following step-system:

<u>Number of Circuits on DBS Provider's System Devoted to Non-Duplicative Full Motion Video to Subscribers⁸</u>	<u>Required Set-Aside of Full Motion Video Circuits</u>
175+ circuits	7 circuits
150-174 circuits	6 circuits
125-149 circuits	5 circuits
100-124 circuits	4 circuits
50-99 circuits	3 circuits
25-50 circuits	2 circuits
< 25 circuits	1 circuit

Once a provider's set-aside requirement has been determined, DBS providers need not and should not be confined solely to a mechanism of full dedicated circuits to fulfill the Section 25(b) requirements. Instead, the Commission's rules should afford providers the flexibility either to dedicate certain circuits exclusively to public interest programming, to aggregate day-parts of public interest programming from a variety of circuits on the systems, or to choose an optimal mix of these options in reaching the 4% cumulative obligation. Thus, instead of relegating all public interest programming to possibly unwatched 24-hour PEG-type circuitry, a DBS provider/programmer should be permitted to identify the appropriate viewing hours for various types of public interest programming, and spread programming hours

⁸ Excluding those circuits used to provide certain services (e.g., barker channels, audio-only channels, etc.) as described *supra*.

across different circuits and day-parts as appropriate. For example, certain circuits may be used during the evening to provide sports programming, while remaining underutilized during the day. Given the aforementioned flexibility, providers might more efficiently utilize capacity by using the daytime hours to provide programming specifically designed for classroom use. In this manner, DBS providers will retain their ability to maximize public interest programming's exposure to a receptive audience.

For purposes of evaluating compliance, this circuit equivalent concept may be translated into a specific annual obligation by multiplying the circuit set-aside number by 24 hours per day by 365 days a year. Thus, if a DBS provider were required to set aside 5 circuits for public interest programming, that provider would be required to make available 43,800 hours annually for such programming.

Another element of necessary flexibility involves the placement of public interest programming on various "tiers" of a DBS provider's service offerings. PRIMESTAR submits that no more than 50% of a DBS provider's set-aside requirements should be required to be placed on the "basic" or lowest priced service tier.

As noted above, the fundamental goal here should be to provide high quality public interest programming to a broad range of viewers. To encourage the development and carriage of such programming, DBS providers should be given the appropriate flexibility and incentives. Permitting the

placement of desirable public interest programming on higher tiers of service will motivate DBS providers to seek out quality public interest programming to help encourage customers to subscribe to a broader array of services. For example, a proposed service developed by the Children's Television Workshop may have the potential not only to serve as qualified public interest programming, but also to help generate additional revenues for DBS providers because of its attractiveness to certain viewers. The rules adopted by the Commission should not prevent public interest programming from serving this dual purpose.

C. Qualification of Programming

Section 25(b)(1) mandates that DBS providers reserve channel capacity for "noncommercial programming of an educational or informational nature." Section 25(b)(3) of the statute requires that a DBS provider shall meet the requirements of the statute by making its channel capacity available to "national educational programming suppliers." The statute does not define "public interest programming of an educational or informational nature," and the Commission's *Notice* seeks comment with regard to what type of programming should be considered for purposes of a DBS provider's public service obligations. Likewise, the Commission seeks comment on the

scope of the term "national educational programming supplier."⁹

1. Identification of Public Interest Programming

PRIMESTAR believes that the industry proposal articulated in SBCA's Further Comments in this proceeding is a logical means through which programming that complies with a DBS provider's program service obligation may be evaluated and certified or approved according to uniform criteria. Specifically, PRIMESTAR advocates the creation by all DBS providers of a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code, the express purpose of which would be to establish criteria for defining public interest programming, to screen programming to determine if it meets those criteria, to promote the public interest programming available through DBS services, and to act as a liaison between the DBS providers and those programmers or groups wishing to use DBS facilities to distribute public interest programming. Half of the non-profit corporation's board of directors would consist of DBS provider representatives; the balance would consist of "blue ribbon" members representing the interests of education, children, and other public interest groups.

⁹ Throughout this pleading, PRIMESTAR has and will use the term "public interest programming" to define "non-commercial programming of an educational or informational nature" and the term "educational programmer" to define "national educational programming supplier."

The non-profit corporation would be funded by the DBS industry through annual contributions. Once established, the corporation would be used to identify a pool of qualified public interest programming from which DBS providers could draw. In addition, the corporation would serve to provide critical expertise to evaluate programming and would be an effective liaison between DBS providers and program suppliers wishing to have their productions qualified as public interest programming. This role would avoid the need for each DBS provider to make an independent assessment of a program's qualifications.

Although certification by the non-profit corporation would be one method of specifying programming that meets the requirements of the statute, it should not be the exclusive method. Accordingly, DBS providers should be afforded the flexibility to create and/or solicit on their own volition quality programming designed to satisfy the public service obligations, without a requirement that such programming be channeled through the non-profit corporation. Provided that this programming, in the provider's good faith determination, satisfies the criteria for eligibility for public interest programming established by the non-profit corporation, the provider should be permitted to procure and air such programming, and to have that programming count toward its public service obligations. Affording providers this flexibility would result in numerous benefits, including creating incentives for new program development, permitting

systems to differentiate through exclusive offerings, and allowing for immediate distribution of public interest programming where timeliness is critical and where time is insufficient to permit review by the non-profit corporation.

To provide some general guidance to the non-profit corporation, and to avoid any initial definitional issues, PRIMESTAR submits that the Commission should designate the C-SPAN I, C-SPAN II, and PBS national service as qualifying public interest programming.

The programming on PBS and C-SPAN are precisely the types of programming contemplated by Congress in enacting Section 25, and cannot legitimately be discounted in evaluating a DBS provider's compliance with its public service programming obligations. PBS has long been renown as a premier source of educational, cultural and informational programming, and has been lauded for its role in providing educational programming for preschoolers. Because of the diverse range of educational and informational programming it offers for adults and children alike, Senator James Exon of Nebraska has termed PBS a "national treasure."¹⁰ Senator Rick Santorum of Pennsylvania has praised PBS for its commitment to the "production and broadcasting of programs that enrich the educational and cultural life of our nation."¹¹

¹⁰ 141 Cong. Rec. S13,620 (1995).

¹¹ 141 Cong. Rec. S5,049 (1995).

Similarly, C-SPAN I and C-SPAN II, often referred to by lawmakers as "America's Town Hall," provide millions of Americans with round-the-clock, noncommercial coverage of news and public affairs events, including the floor proceedings of the U.S. House and Senate. The services also provide coverage of speeches, meetings, and other forums where public policy is debated. C-SPAN's "American Perspectives," "Road to the White House" and "Booknotes" programs focus on history and public policy.

The "educational and informational nature" of the C-SPAN services has been recognized repeatedly by both the Commission and Congress. FCC Chairman Reed Hundt, in a speech before the National Cable Television Association, termed C-SPAN "the granddaddy of real-time, unfiltered political coverage of government in action."¹² Commissioner Susan Ness praised the inception of C-SPAN as bringing to viewers "some of our most innovative and educational public affairs programming."¹³ According to Senator Robert Dole, C-SPAN is a "popular and enormously useful public affairs channel" which affords viewers access to forums concerning public policy they

¹² Speech by Reed Hundt, Chairman Federal Communications Commission; National Cable Television Association 45th Annual Convention Los Angeles, California, WC-2657 (April 30, 1996).

¹³ Remarks of FCC Commissioner Susan Ness; California Cable Television Association, Anaheim, California (November 30, 1994).

ordinarily would not have.¹⁴ Similarly, Congressman Robert Michel has described C-SPAN as "an unprecedented service to the American people [which] . . . has made the machinery of this Government understandable and accessible to viewers across the nation [T]hat kind of informative, interactive television is an important part of the democratic process in this modern age of telecommunications."¹⁵

PRIMESTAR believes that there are a number of other programs currently being distributed by DBS providers which further the interest of the viewing public in receiving quality public interest programming. The Learning Channel, The Discovery Channel and Animal Planet all consist of the type of offerings Congress contemplated in enacting Section 25, and portions of these services could, in fact, be designated as public interest programming. For the moment, however, PRIMESTAR urges the Commission only to designate the programming aired on PBS and C-SPAN I and II as public interest programming. If the SBCA's proposal is adopted, the non-profit corporation would be the appropriate body to address the qualification of programming carried on The Learning Channel, The Discovery Channel, Animal Planet and

¹⁴ 103 Cong. Rec. S12,484 (1993).

¹⁵ 135 Cong. Rec. H901 (1989).